



An
Bord
Pleanála

Inspector's Report PL19.248349.

Development	Two storey dwelling with garage, effluent treatment system, new entrance and site works.
Location	Ballynamire, Tullamore, County Offaly.
Planning Authority	Offaly County Council.
Planning Authority Reg. Ref.	PL2/16/401.
Applicant	James Spollen Ltd.
Type of Application	Permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party
Appellant	Concerned residents of Ballynamere.
Observer(s)	
Date of Site Inspection	29 th June 2017.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The proposed site is located in Ballynamire, also referred to as Ballinamere, a rural area located approximately 4 kilometres west of Tullamore and 4 kilometres east of Rahan in County Offaly.
- 1.2. The area has a high level of residential development fronting onto the local road network. The site forms part of a large field currently in agricultural use. The site fronts onto a local road which defines the site's eastern boundary. Immediately to the north is a national school and to the south is vacant site which is also the subject of appeal (PL19.248348). As already indicated there is a high level of residential dwellings fronting onto both sides the local road to the north and south of the field in which the development is proposed to be located. The site and area is relatively flat with mature trees and vegetation along boundaries dominating the landscape.

2.0 Proposed Development

- 2.1. The development which is the subject of this appeal as submitted to the planning authority on the 13th of December 2016 was for a two storey dwellings with garage, effluent treatment system, new entrance and site works.
- 2.2. The proposed dwelling is part two storied and part single storied with a L-Shaped footprint of a modern design and construction. The front building line of dwelling is parallel to the public road. The stated area of the dwelling is 176m². Access to the dwellings is onto the local road.
- 2.3. The effluent treatment system and associated percolation area for the dwelling is located in the rear of the site. Site tests in relation to suitability are submitted. It is proposed to connect to the public mains for water supply.
- 2.4. The overall site including the access has a stated area of 0.2 hectares.
- 2.5. A design statement is submitted with the proposed development.
- 2.6. A revised drawing was submitted on the 2nd of March 2017 including revised details indicating sightlines, stormwater drainage revised front boundary treatment and provision for a footpath. There is also provision for a landscape mounded area in close proximity to the school boundary.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant permission subject to 15 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report dated the 9th of February 2017 refers to submissions received, to the development plan provisions in particular the plan for Ballinamere and issues in relation to roads and traffic safety. Further information was requested.

A subsequent planning report of the 23rd of March 2017 refers to the further information submitted and refers the details as acceptable and permission was recommended.

3.2.2. Other Technical Reports

No issues raised in relation to water services.

The roads report dated the 21st of March 2017 indicates no objection and indicates that the width of service road be reduced from 7 metres to 5.5 metres. Third Party Observations

3.2.3. The national school adjoining site raised issues in relation to the dwelling owing to the school incorporating an autistic stream, the Esker Centre, within the school and the impact of a dwelling adjoining the school on this facility and the children using this facility who struggle with sensory issues.

3.2.4. Martin Brickland and the concerned residents of Ballinamere raise the issue of an overall development of 8 dwellings, the submission of a design statement, the impact on the school and proximity to the school the proximity of the dwellings to the public road, and the issue of groundwater vulnerability.

3.2.5. Glenn Finlay and Aine Finlay, Gerry Murphy, Noel Sheehan and John Mitchell raise similar concerns.

4.0 Planning History

No planning history specific to the site.

5.0 Policy Context

5.1. Development Plan

5.1.1. The relevant plan is the Offaly County Development Plan 2014-2020. In volume 1 of the plan the settlement strategy in chapter 1 outlines 6 tiers of settlements and tier 6 refers to Sráids. Sráids are referred to as “*very small, embryonic rural settlements. Sráids have a loose gathering of existing development mainly housing but with some services. New development should reflect this existing settlement pattern. Sráids have the potential to attract high quality individual housing or private site developments to attract population growth and offer an alternative to rural housing where appropriate*”. Ballinamere is an identified Sráid in Map1.1: County Offaly Settlement Hierarchy.

5.1.2. Table 1.5 of the settlement hierarchy outlines planning principles for development. In relation to Sráids, it is indicated that “*Sráids are very small, embryonic rural settlements. Sráids have a loose gathering of existing development mainly housing but with some services. Sráids evolved as a measure to be implemented in order to act as an alternative to piecemeal development activity; to provide alternatives to rural houses in the countryside and also to address rural de-population and decline in certain areas, in particular within the identified traditional rural settlement network. Given the Sráids’ existing and envisaged scale and size, development envelopes are delineated and no formal zoning has been applied. Residential and other development which is appropriate in scale and character of the Sráid concerned, and subject to servicing, amenity and environmental limitations, including the potential for interaction with European Sites, will be encouraged within the development envelope. Sráids are considered as being a sustainable form of development in the longer term, and will create a greater sense of place and community in these areas. They will help stabilise and consolidate population levels, in an orderly and sustainable fashion, within those rural areas which have experienced a decline. They*

will also act as a planning tool to ensure that small settlements which come under pressure for development do not become over-developed”.

5.1.3. Section 1.16 of the plan outlines settlement strategy policies. I refer to the following policies in relation to Sráids;

SSP-15(a) It is Council policy to promote the sustainable development of Sráids to assist in satisfying rural generated housing needs within a structured but low density settlement, as a viable alternative to the development of “one-off” houses in the open countryside, remote from services etc. It is also policy to promote Sráids as limited opportunities for housing for urban dwellers who would not satisfy “local need” criteria but who aspire to live in a rural environment.

SSP-15(b) It is Council policy not to permit developments which would lead to rapid completion of the Sráid development envelope i.e. in a period considerably short of the medium to long term time period envisaged, and in excess of the settlement’s capacity to absorb development in terms of physical (i.e. water, sewerage (if applicable), lighting, footpaths, access etc.) and social infrastructure (i.e. schools, community facilities etc.).

SSP-15(c) It is Council policy to facilitate the provision of appropriately scaled commercial development within the Sráids. This may include limited new mixed-use development, including employment generating development, childcare and other appropriate commercial development. This will bring variety and vitality to the settlement, providing a wider choice of services and assist in creating a ‘centre’ with a greater sense of place.

SSP-15(d) It is Council policy to monitor development activity and to encourage the sustainable, balanced development of the Sráids in an incremental and plan-led manner, with the emphasis on small scale developments over a medium to long term period, in keeping with the character of the settlement.

SSP-15(e) It is Council policy to provide an estimate of the possible / potential population capacity that each Sráid envelope may achieve in the medium to longer term.

SSP-15(f) It is Council policy to monitor development activity within each Sráid envelope to ensure that growth is completed in an orderly and sustainable manner and in keeping with the medium to long term timeframe envisaged. In particular, it is

policy to ensure that the levels of housing development envisaged by the individual Sráid plans (which will be primarily single house development but with limited scope for small-scale multi-house developments) takes place in a balanced pattern throughout the Sráid over the plan period.

SSP-15(g) It is Council policy that there will be a general presumption against proposals of more than 4 units in any one application as such multi-house estate type developments would lead to “completion” of the Sráids at a faster rate than suggested, leading to premature overdevelopment. Larger scale development (i.e. >4 units) may be considered in exceptional circumstances but only if it can be demonstrated that: (a) it would add significantly to the area’s sustainable development; (b) it is reflective of the character of the Sráid and envisaged growth rate; (c) it will be strictly phased by the developer. The Sráid plans contain a presumption in favour of the small scale and incremental development of Sráids and a presumption against urban scale and style housing schemes within these designated settlements.

SSP-15(h) It is Council policy that:

- (i) Most opportunities for residential development in Sráids will take the form of frontage / linear development and that sites will be a minimum of half an acre in size.
- (ii) It shall further be the policy of the Council where in the limited cases that in-depth development is appropriate in a Sráid that houses shall be detached only and that densities shall not exceed a maximum of 3 to the acre. This maximum density shall be determined having regard to the area’s character, density and to the residential amenity of proposed and existing development.
- (iii) In circumstances where a street already exists or is appropriate and in the interests of protecting and enhancing the character of the Sráid, it may be appropriate to allow a street form.

SSP-15(i) It is Council policy to ensure that developments have regard to and help to maintain the form and character of the Sráid concerned. The resulting development shall be high in quality, appropriate in scale and designed in a style suitable for its location and context. In particular,

- a) Proposed new access roads through previously undeveloped lands should be designed to create a ‘rural’ rather than an ‘urban’ impression. Roads which open up

significant tracts of land relative to the existing size of the settlement should be designed by a suitably qualified professional with strong Landscape Architecture and design input.

b) Boundary treatments, footpaths and lighting should reflect the rural character of the Sráid.

c) Where a Sráid (or part of) is characterised by interesting building layouts, plans and designs, these should be retained and complimented, rather than replacement with more 'standardised' development styles to ensure a varied character is maintained and to avoid typically suburban standardised developments.

SSP-15(j) It is Council policy to require that applications for developments of 2 houses or more within Sráids will be accompanied by a Design Statement, prepared by a suitably qualified professional. Such statements should indicate the reasons for choosing the design(s), the design cues from which ideas were taken and how it is considered that the design(s) chosen is/are compatible with their immediate environs. Regard should be had to the context and cues provided by the existing development, and to the Council's policy to create attractive, appropriately scaled and well designed rural settlements.

SSP-15(k) It is Council policy to ensure that developments within Sráids, where possible, retain valuable man-made and natural heritage features within their boundaries or environs, and are designed in a manner which is sympathetic to the natural or heritage aspect concerned (for example; attractive stands of trees, mature hedgerows, stone walls, protected structures, recorded monuments etc.).

SSP-15(l) It is Council policy to promote the formation/consolidation of a central meeting place or similar open space within Sráids where practicable. It is also policy to facilitate by land identification, reservation of other means, the development of/extension of community facilities within Sráids.

SSP-16 It is Council policy to closely monitor growth and pressure for growth and to implement appropriate management measures in controlling development in Sráids.

5.1.4. Chapter 8 of the plan outlines Development Management Standards.

5.1.5. Volume 2 of the plan refers to settlements in the county and in relation to Sráids there is a Sráid Plan Guide with the general strategy that each Sráid will have

common goals and objectives in order to grow and provide a quality of life for its residents and contribute to the overall sustainable development of County Offaly. Generally, each Sráid will require the following:

- Foster the creation of a more coherent settlement with adequate critical mass to maintain/improve local service provision.
- Cater for a number of small in-depth housing schemes and small scale commercial developments, which are appropriate in terms of scale, use and location within the Sráid.
- Contain development in order to bring some form to the settlement and engender a sense of place.

5.1.6. The plan outlines key messages in relation to Sráids including the promotion of very low-density linear or clustered style development within Sráids.

5.1.7. Section 1.5.2 refers to priorities and that the following priorities are common to almost all Sráids and will be a material consideration in each assessment of planning applications in the Sráids of County Offaly:

- Promotion and consolidation of development within the development boundary as shown on the accompanying plan.
- Improvement of the existing road network and provision of footpaths, particularly where development is not served by footpaths, in conjunction with on-going development.
- Create / reinforce 'gateway' features to engender a sense of place and delineate the Sráid.
- Proposals in Sráid settlements should not be in excess of 2-3 units for residential schemes.
- Encourage and facilitate co-operation between / amongst the different development interests in order to maximise community gain, for the greater good of the settlement.
- Promotion of natural building and boundary materials.

5.1.8. There is a Sráid Plan specific to Ballinamere in volume 2 of the Offaly County Development Plan 2014-2020. The appeal site is within the development envelope identified in the plan. In relation to Form and Strategy it is indicated that;

“The settlement is predominantly linear with a number of detached houses on large sites located along constituent routes and a small number of farmsteads also situated in the area. The built fabric is mainly single storey and two storey and domestic in scale. Any future development should be based upon a considered understanding of the areas character and shall be designed and located in such a way that sympathetically reflects and respects the area’s very rural character. The Sráid envelop encompasses a National school and GAA grounds. The area surrounding the national school should be developed and promoted as the focal point for this settlement”.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant the concerned residents of Ballynamere in the grounds of appeal refers to;

The appellant the concerned residents of Ballynamire in the grounds of appeal refers to;

- The appellant refers to the Ballinamere area being in an area of a regionally important aquifer based on the GSI National Draft Bedrock Aquifer classification and an area extremely vulnerable and very vulnerable to contamination.
- This is not highlighted in the CDP and the development which the appellant believes to part of a much larger development would be prejudicial to public health.
- Reference is made to a larger development in the context of the plan for the area which envisages that developments of more than 2-3 dwellings would not be appropriate.

- Reference is made to protection of the Tully water source used to supply the Rahan water scheme and the provision of the CDP in section 4.19.2 to take a precautionary approach in protecting water sources.
- There is ample provision of zoned lands in Tullamore.
- Reference is made to the Ballinamere Sráid Plan and the efforts to increase the area and number of houses in the area and the concerns of county council management in this regard.
- Every effort should be made to protect groundwater.
- A number of appendices are submitted in support of the appeal.

6.2. Applicant Response

The applicant in a response to the grounds of appeal refers to;

- The applicant refers to the Sráid settlement plan, its general strategy and key messages and priorities in Sráid settlements and to provisions of the Ballinamere Sráid plan and relevant provisions of the core strategy and settlement strategy.
- The site adjoins the school and a design statement forms part of the application.
- The site is not within the area of extreme vulnerability based on the latest GSI website.
- The environmental section of Offaly County Council did not have any issue with the proposed development.
- The proposal taken in conjunction with the concurrent application is for 3 dwellings. And any future development proposal will be based on the plan at that time. The current proposal complies with the current development plan.
- It is noted that Tullamore itself is within Rahan aquifer and the site is 163 metres from the nearest edge of the Tully groundwater protection scheme.
- The site is therefore not within a source protection zone.

- Much of the aquifer protection area has already been developed by one off housing whereas the majority of the lands inside the Sráid development zone are undeveloped and outside of the protection zone.
- The development complies with the proper planning and sustainable development of the area and development plan provisions.

6.3. Planning Authority Response

The planning authority in a response note that the development is within the Sráid envelope and is consistent with the county development plan.

7.0 Assessment

7.1. There are two concurrent third party appeals on adjoining sites PL19.248348 and PL19.248349 in relation to two proposals for development by the same applicant. Many of the issues raised are the same in relation to both appeals. I propose initially to consider the proposed developments in the context of policy and then to consider matters specific to each individual proposal.

7.2. Policy

7.2.1. In section 5 of this report I have outlined the policy provisions of the Offaly County Development Plan as they relate to the appeal site.

7.2.2. The site is located within the development envelope of Ballinamere Sráid. The Sráids are a tier in the settlement strategy of County Offaly and are the lowest tier of settlement in the strategy. They are primarily an amalgamation or cluster of dwellings linked to a service function also located within the cluster. In the case of Ballinamere it is a school. The primary function of the Sráids is to provide a low level of consolidation in rural areas as an alternative to random one off housing in the open countryside.

7.2.3. This function in the settlement hierarchy is clearly defined in a number of policies in the plan and most clearly in policy SSP-15(a) where it is indicated that it *“is Council policy to promote the sustainable development of Sráids to assist in satisfying rural generated housing needs within a structured but low density settlement, as a viable **alternative** to the development of “one-off” houses in the open countryside, remote*

from services etc. It is also policy to promote Sráids as limited opportunities for housing for urban dwellers who would not satisfy “local need” criteria but who aspire to live in a rural environment”.

7.2.4. The overall policy and approach adopted is, I consider, reasonable.

Specific to Ballinamere both sites are within the Ballinamere Sráid envelope. There is general guidance in the county plan provisions and the plan statement in relation to Ballinamere and the level of growth and these are outlined in section 5 of this report. The Sráid plans contain a presumption in favour of the small scale and incremental development of Sráids and a presumption against urban scale and style housing schemes within these designated settlements limiting development proposals to less than 4 dwellings. There is also a presumption towards a gradual incremental growth pattern of housing and services and a high quality of design reflecting the general rural setting of the Sráid,

7.2.5. The current proposals provide for a total of three dwellings. Both proposals adjoin the local school and form an infill along the road. There is provision for a road to provide access to the lands at the rear in relation to PL19.248348. I note that in the grounds of appeal there is reference to future development of lands at the rear of the proposed dwellings. It may well be the case that future development plans may permit an increased level and scale of development in some or all of the Sráid settlements but in the context of the current plan the level and scale of development is acceptable. It is equally reasonable to retain access to backland areas.

7.2.6. In general, therefore the current proposals are reasonable in the context of the stated provisions of the plan in relation to settlement policy.

7.3. Site specific issues

7.3.1. The development which is the subject of this appeal as submitted to the planning authority 13th of December 2016 was for a house, garage, effluent treatment system, new entrance and site works. Further information was submitted on the 2nd of March 2017 including revised details indicating sightlines, stormwater drainage revised front boundary treatment and provision for a footpath.

7.4. Siting and design.

- 7.4.1. The proposed dwelling is part two storied and part single storied with a L-Shaped footprint of a modern design and construction. The stated area of the dwellings is 176m². Access to the dwellings is via an entrance onto the public road.
- 7.4.2. A revised drawing was submitted on the 2nd of March 2017 including revised details indicating sightlines, stormwater drainage revised front boundary treatment and provision for a footpath. Increased landscaping with mounding on the boundary adjoining the school was also indicated.
- 7.4.3. A design statement was submitted as part of the proposed development.
- 7.4.4. The general area has a mix of house design and a housing pattern of dwellings on large sites with frontage onto the public road network. The design as submitted is, I consider, reasonable and has taken into consideration adjoining lands including the relationship with the school with the provision of additional reinforced landscaping providing a buffer between the site and the school. The design also addresses potential overlooking.

7.5. Services

- 7.5.1. It is proposed to connect to a public water mains and I would have no objections in principle to the proposal.
- 7.5.2. In relation to the disposal of foul effluent an effluent treatment system and associated percolation area is indicated in the rear of the site. Site tests including percolation tests and the overall suitability of the site are submitted.
- 7.5.3. The details as submitted would indicate that treatment of effluent can be achieved to comply with the EPA publications Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10) 2009 and its subsequent clarifications and the site which has a stated area of 0.2 hectares has sufficient area to the rear to provide percolation area to satisfactorily discharge the effluent.
- 7.5.4. In the grounds of appeal there is reference to the groundwater in the area and in particular to an underlying aquifer in the area based on GSI a mapping. I would note that this is the case and the aquifer covers a large area but the site itself is not within

a protection zone of a water supply which are also indicated on the GSI mapping. Subject to installation of the plant and percolation area and compliance with maintenance as stated in the details submitted I would have no objections.

7.6. Traffic

7.6.1. I would have no objections to the details submitted in relation to traffic which provide for an access off the proposed service road which complies with sightlines visibility requirements in both directions and makes provision for a footpath.

7.7. Residential Amenity.

7.7.1. The development provides for consolidation of development in a Sráid and will not adversely impact on residential amenities on the area.

8.0 Recommendation

8.1. I recommend that permission be granted.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the current Offaly County Development Plan and its overall strategy including siting of development within settlements located within the settlement hierarchy including Sráids; the location of the proposed development within the development envelope of Ballinamere Sráid; the nature and scale of the development; its location and the pattern of development, it is considered that the development would not injure the amenities of the area or property in the vicinity and the development as constructed and proposed would not be contrary to the proper planning and sustainable development of the area.

9.2.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13th day of December 2016

and 2nd of March, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity

2. The roof colour of the proposed house shall be blue-black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.

Reason: In the interest of visual amenity.

3. The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.

Reason: In the interest of public health.

6. The site shall be landscaped, using only indigenous deciduous trees and

hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) the establishment of a hedgerow along the side and rear boundaries of the site,
- (b) any walls forward of the front building line shall not exceed 1.2 metres in height,
- (c) the provision of a mounded landscape area adjoining the boundary with the school as indicated in the details received by the planning authority on the 2nd of March and
- (d) a timescale for the implementation of the planting and landscaping.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

7. Details relating to access arrangements to the development shall comply with the requirements of the planning authority. Details relating to alterations to the roadside boundary of the proposed site shall be submitted to and agreed with the planning authority prior to the commencement of any development works on the site.

Reason: In the interests of orderly development and traffic

- 8 All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

- 9 Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior

written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 10 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

.Derek Daly
Planning Inspector

19th July 2017